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Via First Class Mail

August 14, 2006

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Velger et al.  
Entitled: OSCILLATING MIRROR HAVING A PLURALITY OF EIGNEMODES  
Serial No: 10/554,002  
I.A. No. PCT/IL04/00336  
I.A. Filing Date: April 20, 2004  
Docket No.: BKE-0007

Sir:

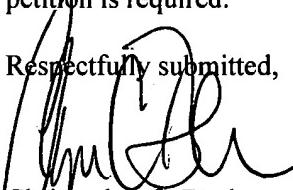
We enclose herewith:

- Response to Notice to File Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office
- Copy of Notice to File Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office
- Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. § 371
- Copy of fully executed declaration
- Copies of Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address and Statement Under 37 CFR 3.73(b) with attachments (previously filed)
- Copy of Notice of Acceptance of Power of Attorney
- Acknowledgment Postcard

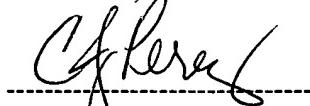
The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 06-1130.

Applicant hereby petitions under 37 CFR 1.136 and other applicable rules to have the response period extended the number of months necessary to render the attached communication timely in the event a petition is required.

Respectfully submitted,

  
Christopher C. Boehm  
Reg. No. 41,624

I hereby certify that this paper is being deposited with the United States Postal Service via first class mail, postage prepaid, addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 14, 2006.

  
Cathy J. Perez

ATTORNEY'S DOCKET NUMBER

BKE-0007

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/554,002

INTERNATIONAL APPLICATION NO.  
PCT/IL2004/00336INTERNATIONAL FILING DATE  
20 April 2004 (20.04.2004)PRIORITY DATE CLAIMED  
21 April 2003 (21.04.03)

## TITLE OF INVENTION

OSCILLATING MIRROR HAVING A PLURALITY OF EIGNEMODES

## APPLICANT(S) FOR DO/EO/US

Mordekhai Velger et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A power of attorney and/or change of address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22.  Express Mail Label No.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

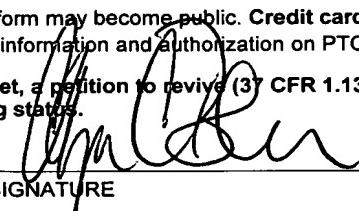
U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/554,002</b>		INTERNATIONAL APPLICATION NO. <b>PCT/IL2004/00336</b>		ATTORNEY'S DOCKET NUMBER <b>BKE-0007</b>																																																																																																																																									
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<p>The following fees have been submitted:</p> <table border="1"> <tr> <th colspan="2"></th> <th colspan="2">CALCULATIONS</th> <th colspan="2">PTO USE</th> </tr> <tr> <td>24. <input type="checkbox"/> Basic national fee .....</td> <td>\$300</td> <td>\$</td> <td><b>\$0.00</b></td> <td colspan="2"></td> </tr> <tr> <td>25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article \$0 All other situations. ....</td> <td>\$200</td> <td>\$</td> <td><b>\$0.00</b></td> <td colspan="2"></td> </tr> <tr> <td>26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... \$400 All other situations. ....</td> <td>\$500</td> <td>\$</td> <td><b>\$0.00</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 24, 25 and 26 =</b></td> <td>\$</td> <td><b>\$0.00</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td colspan="4"></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td colspan="2">Number of each additional 50 or fraction thereof (round up to a whole)</td> <td colspan="2">RATE</td> </tr> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td colspan="2">0</td> <td>x \$250.00</td> <td>\$ <b>\$0.00</b></td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td colspan="3">RATE</td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$50.00</td> <td>\$</td> <td><b>\$0.00</b></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$200.00</td> <td>\$</td> <td><b>\$0.00</b></td> </tr> <tr> <td colspan="6">MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00</td> </tr> <tr> <td colspan="6"><b>TOTAL OF ABOVE CALCULATIONS =</b> \$ <b>\$130.00</b></td> </tr> <tr> <td colspan="6"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> </tr> <tr> <td colspan="6"><b>SUBTOTAL =</b> \$ <b>\$130.00</b></td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> </tr> <tr> <td colspan="6"><b>TOTAL NATIONAL FEE =</b> \$ <b>\$130.00</b></td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 06-1130 in the amount of \$ \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1130. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:



SIGNATURE

**Christopher C. Boehm**

NAME

**41,624**

REGISTRATION NUMBER

**August 14, 2006**

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/554,002	Mordekhai Velger	BORO0108PUSA
		INTERNATIONAL APPLICATION NO.
		PCT/IL04/00336
		I.A. FILING DATE      PRIORITY DATE
		04/20/2004      04/21/2003
<b>CONFIRMATION NO. 5153</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000019351783*		

Date Mailed: 06/21/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Copy of IPE Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- Oath or Declaration filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005
- Power of Attorney filed on 10/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1760 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1890** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1760**
  - **\$1400** for **28** total claims over **20**.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

---

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,002	PCT/IL04/00336	BORO0108PUSA

FORM PCT/DO/EO/905 (371 Formalities Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/554,002	10/21/2005	Mordekhai Velger	BORO0108PUSA

CONFIRMATION NO. 5153

23413  
 CANTOR COLBURN, LLP  
 55 GRIFFIN ROAD SOUTH  
 BLOOMFIELD, CT 06002



\*OC000000019351283\*

Date Mailed: 06/21/2006

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/30/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

---

INDIA L EVANS  
 PCT (703) 308-9140

ATTORNEY/APPLICANT COPY

BKE-0007

# Auto-Reply Facsimile Transmission



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Received  
Cover  
Page  
=====>

May-30-2006 07:33 PM Cantor Colburn LLP 2485242700

1/10

C C

CANTOR COLBURN LLP  
INTELLECTUAL PROPERTY ATTORNEYS  
201 WEST BIG BEAVER ROAD, SUITE 370  
TROY, MICHIGAN 48084-4116  
TELEPHONE: (248) 524-2300  
FACSIMILE: (248) 524-2700

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FACSIMILE TRANSMITTAL SHEET

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TO: Commissioner for Patents	FROM: Christopher C. Boehm
COMPANY: USPTO	DATE: May 30, 2006
FAX NUMBER: (571) 273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER: (800) 786-9199	SENDER'S REFERENCE NUMBER: BKE-0007
RE: Submission of Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address	YOUR REFERENCE NUMBER: USSN 10/554,002

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URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYLE

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NOTES/COMMENTS:

Transmitted with  
Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address  
Statement Under 37 CFR 3.73(c) with attached copy of Assignment  
Certificate of Transmission by Facsimile (37 CFR 1.8)

**IMPORTANT:** This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading, disseminating, distributing or copying this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the below address via the U.S. Postal Service. Thank you.



## CANTOR COLBURN LLP

INTELLECTUAL PROPERTY ATTORNEYS

201 WEST BIG BEAVER ROAD, SUITE 370

TROY, MICHIGAN 48084-4116

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### FACSIMILE TRANSMITTAL SHEET

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TO: Commissioner for Patents	FROM: Christopher C. Boehm
COMPANY USPTO	DATE: May 30, 2006
FAX NUMBER (571) 273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER: (800) 786-9199	SENDER'S REFERENCE NUMBER: BKE-0007
RE: Submission of Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address	YOUR REFERENCE NUMBER: USSN 10/554,002

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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#### NOTES/COMMENTS:

Transmitted with

Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address  
Statement Under 37 CFR 3.73(b) with attached copy of Assignment  
Certificate of Transmission by Facsimile (37 CFR 1.8)

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s): Mordekhai Velger et al.

Docket No.

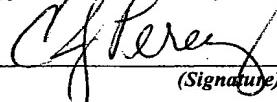
BKE-0007

Application No.  
10/554,002Filing Date  
October 21, 2005Examiner  
unassignedGroup Art Unit  
unassigned

Invention: OSCILLATING MIRROR HAVING A PLURALITY OF EIGENMODES

I hereby certify that this Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, Statement Under 37 CFR 3.73(b)  
*(Identify type of correspondence)*

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-8300)

on May 30, 2006  
*(Date)***Cathy J. Perez***(Typed or Printed Name of Person Signing Certificate)**(Signature)*

Note: Each paper must have its own certificate of mailing.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mordekhai Velger et al. )  
Serial No: 10/554,002 ) Group Art Unit: Unassigned  
Filed : October 21, 2005 )  
I.A. No. PCT/IL04/00336 ) Examiner: Unassigned  
I.A. Filing Date: April 20, 2004 )  
For: OSCILLATING MIRROR HAVING )  
A PLURALITY OF EIGNMODES )

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. § 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Notice to File Missing Requirements Under 35 U.S.C. § 371 in the  
United States Designated/Elected Office dated June 21, 2006, applicants respond as follows:

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 14, 2006.	
<u>August 14, 2006</u> (Date of Deposit) Cathy J. Perez	
(Name of Person Mailing Paper)	
<i>C. J. Perez</i> Signature	August 14, 2006 Date

## **REMARKS**

1. This application was filed with the U.S. Patent and Trademark Office on October 21, 2005 claiming the benefit of PCT application number PCT/IL04/00336.
2. The original PCT application, aforementioned, was filed and published with 18 claims on November 4, 2004.
3. Subsequent to publication of PCT/IL04/00336, the number of claims for the PCT application were amended by applicants to 17, as reflected in the International Preliminary Report on Patentability was issued by the World Intellectual Property Organization regarding the PCT application.
4. Upon filing the United States application with the U.S. Patent and Trademark Office, the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. § 371 stated there were 17 claims (see attached Exhibit A).
5. A Preliminary Amendment was filed concurrently with this application amending the 3 of the 17 claims as follows (see attached Exhibit B):
  - a. Claim 6 amended for typo;
  - b. Claim 16 amended to eliminate multiple dependent claim; and
  - c. Claim 17 amended to eliminate multiple dependent claim.
6. The claims contained in the original PCT application and the subsequent U.S. application have always been less than 20.

7. The Notice to File Missing Requirements states fees are owed for 28 claims in excess of 20 (or 48 total claims). At no time has the application contained any claims in excess of 20.

8. The Notice to File Missing Requirements states a fee of \$360 for multiple dependent claim fee is due. The aforementioned Preliminary Amendment filed concurrently with this application eliminated all multiple dependent claims.

Accordingly, Applicants respectfully submit that:

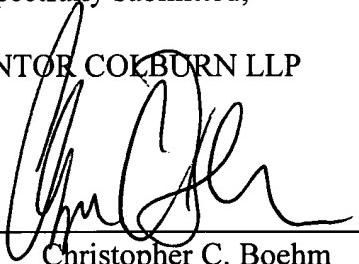
- A. No additional claim fees for claims in excess of 20 are due.
- B. That no fee for multiple dependent claims are due.
- C. That only additional fee owing for this application is the surcharge fee of \$130 for the late submission of declaration.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By:

  
Christopher C. Boehm  
Registration No. 41,624

Date August 14, 2006  
Phone: (248) 524-2300  
Fax: (248) 524-2700